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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Donald J. Kerfeld, Terry L. Morkved and Robert F. Hellen	Examiner:	Nikolas J. Uhler
Serial No.:	09/730,199	Group Art Unit:	1773
Filed:	December 5, 2000	Docket No.:	10247US01
Title:	DATA STORAGE MEDIA		

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being transmitted by facsimile to the attention of Examiner Uhler and addressed to: Commissioner for Patents, Washington, D.C. 20231 on 27 Jan, 2003

By:

Name: Eric D. Levinson

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RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Commissioner for Patents
Washington, D.C. 20231

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JAN 29 2003

Dear Sir:

GROUP 1700

In the Restriction Requirement mailed December 3, 2002, the Examiner restricted claims 1-43 under 35 U.S.C. § 121 as follows:

- I. Claims 1-32, drawn to a data storage medium, classified in class 428, subclass 694TR.
- II. Claims 33-43 drawn to a method, classified in class 427 subclasses 425 and 428, class 264 subclasses 293 and 328.1.

Applicants hereby elect Group I (claims 1-32) without traverse.

In addition, the Examiner indicated that Group I contains the following four patentably distinct species:

1. Claim 15: A data storage medium having servo patterns
2. Claim 16: A data storage medium having servo patterns
3. Claim 18: A data storage material that has a magnetic recording layer

4. Claim 19: A data storage material that has an optical recording layer

Applicants traverse the election requirement of species 1-4 because claims 15, 16, 18 and 19 are not patentably distinct species. In particular, the servo patterns recited in claim 15 and tracking patterns recited in claim 16 are defined as part of the surface variations of the second layer of the data storage medium, whereas the magnetic recording material recited in claim 18 and the optical recording material recited in claim 19 are defined as part of the third layer of the data storage medium. Thus, the features of claims 15 and 16 are clearly not patentably distinct species relative to the features of claims 18 and 19. In other words, the features of claim 15 or claim 16 can coexist with the features of claim 18 or claim 19. For this reason, claims 15, 16, 18 and 19 are not patentably distinct species of one another.


Applicants provisionally elect species 4 (claim 18), with traverse.

Applicants submit that claims 1-18 and claims 20-32 could be read on the elected species.

Date:

27 Jan. 2003

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